

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA, <i>ex rel.</i>	)	
J. Douglas Strauser, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 18-cv-673-JHP-FHM
	)	
STEPHEN L. LAFRANCE HOLDINGS,	)	
INC. <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**RELATOR J. DOUGLAS STRAUSER’S NOTICE OF RELATED CASE**

Relator J. Douglas Strauser (“Relator”) files this notice to inform the Court that this lawsuit is related to another matter decided in 2018 by Judge Claire V. Eagan, *United States ex rel. Phillips v. Stephen L. LaFrance Holdings, Inc.*, Case No. 14-CIV-567-CVE-PJC (N.D. Okla.) (the “*Phillips* Action”). Relator requests that the Clerk of Court designate this matter as related to the *Phillips* Action.

Relator filed his lawsuit in the U.S. District Court for the Western District of Oklahoma in 2013. Subsequently, the *Phillips* Action was filed in the U.S. District Court for the Northern District of Oklahoma, where it was assigned to Judge Eagan. Both cases were unsealed in May 2018. On December 21, 2018, Chief Judge Joe Heaton of the Western District granted Defendants’ unopposed motion to transfer Relator’s lawsuit to the Northern District. ECF No. 107. Relator’s lawsuit was officially transferred to the Northern District on December 28, 2018 and assigned a new case number of 18-cv-673-JHP-FHM. ECF Nos. 108-109.

This matter is related to the *Phillips* Action because both lawsuits allege and reveal the same fraudulent scheme of overbilling government-funded healthcare programs for generic

prescription drugs, perpetrated by the same group of pharmacy companies (the USA Drug chain and successor Walgreens) in violation of the False Claims Act. Both complaints allege that for years, the USA Drug pharmacy chain falsely billed public health programs more than their “usual and customary charge to the general public” (“U&C”) for hundreds of generic drugs. U&C charge rules impose the common-sense requirement that pharmacies give publicly funded health programs the benefit of any low prices they offer to “cash paying customers,” *i.e.*, customers who use their own financial resources rather than insurance to pay for medication.

Because Relator Strauser’s earlier-filed case and the *Phillips* Action allege the same fraudulent scheme, Judge Eagan recently dismissed the *Phillips* Action as barred by the False Claims Act’s “first-to-file” rule. *See Phillips* Action, ECF No. 128 (Opinion & Order dated Oct. 4, 2018). Judge Eagan concluded that “both cases are clearly based on the same alleged scheme to overcharge government health programs” and “assert the same essential claim.” *Id.* at 9. Judge Eagan reached this conclusion after a careful comparison of the factual allegations in Relator Strauser’s case and in the *Phillips* Action. *Id.* at 3-4, 9.

Accordingly, Relator requests that the Clerk’s Office mark Relator Strauser’s case as related to the *Phillips* Action.

Respectfully submitted,

s/ Michael Burrage

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 2, 2019, I electronically transmitted the foregoing document to the Clerk of Court using the Electronic Case Filing System for filing. Based on the records currently on file in this case, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants of the ECF System. I hereby certify that on January 2, 2019, I served the foregoing document by the means designated below on the following, who are not registered participants of the ECF System:

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